

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,
ASCOT FUND LTD., GABRIEL CAPITAL
CORPORATION,

Defendants.

SIPA LIQUIDATION

No. 08-01789 (SMB)

(Substantively Consolidated)

Adv. Pro. No. 09-01182 (SMB)

Civil Case No. _____

NOTICE OF TRUSTEE'S MOTION TO WITHDRAW THE REFERENCE

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law and the papers filed and proceedings had herein, Irving H. Picard, as trustee ("Trustee") for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the estate of Bernard L. Madoff ("Madoff") (collectively, "Debtor"), respectfully moves the United States District Court for the Southern District of New York for entry of an order, pursuant to 28 U.S.C. § 157(d), Federal Rule of Bankruptcy Procedure 5011(a), and Local Bankruptcy Rule 5011-1, to withdraw the reference to the United States Bankruptcy Court for the Southern District of New York of the above-captioned adversary proceeding.

The Trustee has not made a prior request to this Court or to any other court for the relief requested by this Motion.

Dated: New York, New York
August 10, 2015

Respectfully submitted,

By: /s/ David J. Sheehan
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Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*